



Shapiro Arato Bach LLP

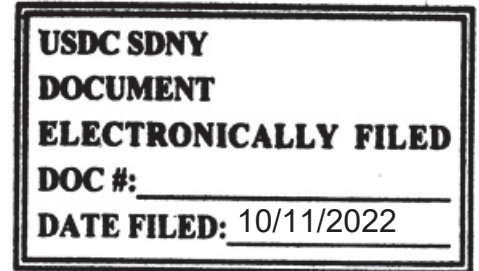
500 Fifth Avenue, 40th Floor New York, NY 10110
phone: 212-257-4880 | fax: 212-202-6417
www.shapiroarato.com

Jonathan P. Bach
jbach@shapiroarato.com
Direct: 212-257-4897

October 4, 2022

Via ECF

The Honorable Robert W. Lehrburger
500 Pearl Street, Room 1960
United States Courthouse
New York, NY 10007



Re: *Hedgeye Risk Management, LLC v. Dale*, No. 21-cv-3687 (ALC) (RWL)

Dear Judge Lehrburger:

We represent Defendants Darius Dale, Steven Lamar, and 42 Macro LLC and, in connection with Defendants' motion to compel, we write to request leave to file under seal Exhibits A and B to the motion and any references thereto. Plaintiff Hedgeye designated each of these materials "Highly Confidential" under the Protective Order, and we are therefore required to file them under seal. (Dkt. 45 at 9).

However, there is no good cause why Hedgeye's interrogatory response (Exhibit A) or references thereto should remain confidential, as the response does not disclose any material information about Hedgeye's purported trade secrets. Defendants reserve rights to seek the unsealing of Hedgeye CEO Keith McCullough's deposition testimony (Exhibit B) at the appropriate time.

Respectfully submitted,

/s/ Jonathan P. Bach
Jonathan P. Bach
Fabien M. Thayamballi
Alice Buttrick
SHAPIRO ARATO BACH LLP
500 Fifth Avenue, 40th Floor
New York, NY 10110
Tel: (212) 257-4897
Fax: (212) 202-6417
jbach@shapiroarato.com
fthayamballi@shapiroarato.com
abuttrick@shapiroarato.com

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*Attorneys for Defendants Darius Dale,
Steven Lamar, and 42 Macro LLC*

The motion to seal is denied with respect to Exhibit A. The motion to seal is granted with respect to Exhibit B, subject to Defendants' reservation to seek unsealing at a later time. The Court respectfully directs the Clerk of Court to modify the viewing level for Exhibit A to Defendants' Letter Motion to Compel at Dkt. 354-1 to Public.

SO ORDERED:

10/11/2022



HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE